

1 29. **ISSUE: INAPPROPRIATE AUTHORIZATION BY HENDERSHOTT OF**
2 **PERSONNEL DEPLOYMENT, AT MCSO EXPENSE, FOR THE "SMILE**
3 **YOU'RE UNDER ARREST" TELEVISION PROGRAM - SUBJECT:**
4 **HENDERSHOTT**
5 (Munnell Memo p. 50)
6

7 **Chief Deputy David Hendershott**

8
9 H24A. Allegedly, circa 2008, Chief Deputy David Hendershott, in meetings with
10 producers for the "Smile You're Under Arrest" program, inappropriately
11 volunteered for MCSO to pay for the costs of staffing Deputies for the
12 productions, and substantial overtime costs were incurred by MCSO.
13

14 **MUNNELL'S WRITTEN ACCOUNT**

15 **Smile You're Under Arrest television program**

16
17 Producers from a company affiliated with the FOX Network approached you and Hendershott
18 about a producing a segment for a police series where the TV crew would film the actions being
19 taken by our law enforcement Officers during a special warrant operation. Chief Barkell was not
20 invited initially to the meeting but was brought in at the last minute as money issues were being
21 discussed. She had always advised Hendershott that any time money was to be paid to staff, the
22 operation should be on after duty hours and the company pays the Officers participating in the
23 program.
24

25
26 In fact, the production company involved offered to pay the Officers involved in the operation, but
27 Hendershott irresponsibly stated that this was an operation that would normally be done and the
28 salaries of the Deputies and the office would cover their expense. When Overtime was discussed,
29 Hendershott further stated that there would be no overtime and Officers would flex any overtime
30 worked.
31

32
33 However, at a time when jail facilities and patrol Deputies were restricted to using overtime for
34 emergencies only, there was no such restriction on the Deputies assigned to the production crew
35 for the show. In fact, the Commanders overseeing the operation were so concerned about the
36 potential negative media due to the huge overtimes costs associated with the filming, a decision
37 was made to begin routine warrant attempts that were not associated with the program.
38

39
40 Sources close to the operation and Chief Barkell estimate that over \$300,000 was paid in overtime
41 from the Sheriff's Office general fund account during filming. When Chief Barkell brought the
42 situation to the attention of Hendershott, Barkell was told not to worry about it as the show had
43 completed their work and there was no the Sheriff's Office would get reimbursed from the show's
44 producers.
45

46
47 When news of this program came to the attention of the various media outlets, this office
48 stonewalled releasing any specific expense information regarding the exorbitant cost of the
49 operation and ultimately claimed such records did not exist, when clearly they could have been
50 provided.

48
49 **WITNESSES LISTED BY MUNNELL**
50

1	Director Steve Werner	Commander and told Munnell about matter.
2	Executive Chief Scott Freeman	Bureau Commander over the detail.
3	Executive Chief Loretta Barkell	Finance Chief .
4	Deputy Chief Paul Chagolla	PIO likely involved in FOI over matter.
5	Captain David Letourneau	Participated in Detail can ID office personnel.
6	Communications Lisa Allen	Involved in production meetings.
7	Chief Deputy David Hendershott	Involved in production meetings.

DOCUMENTARY EVIDENCE

Exhibit Z1. MCSO Research re: "Smile You're Under Arrest" 2008 (Bates AI0004808-4817)

On December 12, 2008, Stephen Lemonszelli of the *New Times* submitted a public records request for various documents relating to the MCSO participation in the Fox reality series, "Smile You're Under Arrest." MCS responded on or about January 8, 2009. According to the letter from Lieutenant D. Colhane, Legal Liaison Section Commander, MCSO participated in the production as a public service, and the production filming was coordinated by the Sheriff's Office Media Relations Office. No records were maintained by the Media Relations Office of the individual employees participating in the event or relating to the compensation of personnel. Fox network did not provide compensation to the Sheriff's Office. Further, the Sheriff's Office did not enter into a formal contract with Fox, although an "accord" was agreed upon by Fox and MCSO.

This accord took the form of a May 30, 2007 letter from Satin Productions, Inc. to Sheriff Arpaio the funding of the project, from the MCSO standpoint, is not set forth with clarity, however, Satin Productions did agree to indemnify and hold harmless the department, in regards to insurance specifications, if needed. It was also noted that Satin Productions would "rely on the Sheriff's Department expertise to provide adequate manpower in order to appropriately accommodate each sting." The Sheriff's Office was also given the opportunity to review the segments, and Satin Productions would take out any passages that showed the department in "less than the best possible light." As reflected in the letter, "our goal is to make you and your department look good, not to mention extremely efficient, resourceful and clever."

WITNESS ACCOUNTS

Frank Munnell

Munnell's information on this issue comes from Steve Werner, who was involved at the time as the Commander of the unit, and advised Munnell of the overtime that was incurred. Munnell's account as to what transpired is found on pp. 87-88 of Exhibit II 28b.

1 **Lisa Allen**

2
3 Ms. Allen indicated that she was present during discussions with the producers of the
4 *Smile You're Under Arrest* program. She acknowledged that originally, the producers
5 said that they would pay for the cost of the overtime for MCSO personnel, and
6 Hendershott that the Sheriff's Office would take care of any overtime. It was her
7 understanding that the overtime incurred was substantial. As she put it:

8
9 A: I thought it was like \$200 [\$200,000] and something, but, and yes, because
10 when he made that claim, I remember now, I was like shocked. Like why would
11 we do that? Why would we ever offer to pay for overtime? When we make these
12 calls, you know, maybe he thought it wasn't going to be much money and then it
13 turned out to be a whole boatload of money because he's, you know, he's
14 unfamiliar with how these things can go. (p. 38, Exhibit II2a)

15
16 She believes that this information was communicated in a telephone conversation, but
17 she was not certain. Basically, as she put it, "he said, 'no, don't worry about overtime
18 we'll handle it.'" (p.30, Exhibit II2a)

19
20 **Loretta Barkell**

21
22 Barkell was not involved in the initial meetings with the production company, but was
23 provided information after Chief Hendershott had the meetings. She believes that
24 Deputy Chief Steve Werner was also involved and provided information to her. From
25 what she understood, the company had come in and offered to pay all the expense
26 associated with the television show, including the salaries and overtime, so they could
27 film the Sheriff's Office in action. Loretta believes that she was excluded from the
28 meetings, because she would have brought up questions about how much it was going
29 to cost, whether it needed to be taken before the Board of Supervisors for approval, and
30 so forth. What Loretta understood was that, even though the production company had
31 been willing to pay for salaries and overtime, Chief Hendershott said that MCSO would
32 take care of it, and that there would be no overtime, because everything would be
33 scheduled. It was Steve Werner who came to her and advised that Hendershott had
34 just turned down the money for the operation and said that there would be no overtime,
35 but Werner was concerned because he thought that there would be overtime. Loretta
36 thought that the overtime involved was close to \$80,000. These events took place in
37 2007 or 2008, prior to the election. Loretta perceived what occurred to have been a
38 "calculated error in judgment" by Chief Hendershott. When asked what she meant by
39 use of the term "calculated" Barkell's response was as follows.

40
41 Purposely not finding out if you had to go to the Board of Supervisors, not
42 seeking compensation. Not making sure the liability insurance for the guys was
43 in place. I mean, he, he had already experienced all of that with me before. So,
44 he purposely did not include me in that meeting because I'm bad news Sally when
45 it comes to anything like this. (p. 72, Exhibit II6a)

1
2 Loretta indicated that the overtime costs were at least \$80,000 and that the total costs,
3 including regular salaries, was approximately \$300,000, based on her understanding of
4 the number of people who were working on the project.

5
6 **Ray Churay**

7
8 Churay denied being involved in the "Smile, You're Under Arrest" television program.

9
10 **Paul Ellis**

11
12 Lt. Ellis denied any information or knowledge about the Smile, You're Under Arrest
13 television program.

14
15 **David Hendershott**

16
17 Hendershott provided a history as to how MCSO became involved (see p. 38, Exhibit
18 II16e) and indicated that it was essentially a warrants program. He advises that MCSO
19 arrested about 320 people on warrants, and of that only 10 people qualified for the
20 Smile You're Under Arrest detail, because the other suspects were considered too
21 violent and apprehension of them would be inappropriate or unsafe for the program.

22
23 Hendershott was asked about the specific allegations made in the Munnell Memo. He
24 did not recall Loretta Barkell being brought in during a meeting with the production
25 personnel. As to the claim in the Munnell Memo that Hendershott had stated that it was
26 going to be a normal operation, and that the salaries of the Deputies would be covered
27 by MCSO, and that Hendershott indicated that there would be no overtime, Hendershott
28 said that he did not remember the conversation, while acknowledging that overtime is a
29 "bad thing," and he and others were constantly preaching for overtime to be flexed out.
30 He also indicated that it was a law enforcement operation, and not a "Smile You're
31 Under Arrest operation." (p. 38, Exhibit II16e)—Hendershott had envisioned this as
32 deputies just doing their jobs and not putting in additional time, or overtime, because of
33 the association of their efforts with the television show. Hendershott did not know
34 whether overtime of over \$300,000 was incurred during the filming of the production, by
35 MCSO personnel. He further denies any recollection of Chief Barkell bringing the
36 overtime situation to Hendershott's attention, and Hendershott telling Barkell not to
37 worry about it. Hendershott's position was that if MCSO did spend \$300,000 it was not
38 on the Smile You're Under Arrest operation, but on the warrants detail which actually
39 arrested over 300 people.
40